

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

\* \* \*

MICHAEL JONES, an individual,

Plaintiff,

v.

COUNTY OF CLARK; LAS VEGAS METRO  
 POLICE DEPARTMENT; and DOES 1  
 through 25, inclusive,

Defendants.

Case No. 2:13-cv-01002-APG-VCF

**ORDER REOPENING CASE ONLY AS TO  
 DEFENDANT LAS VEGAS  
 METROPOLITAN POLICE  
 DEPARTMENT, AND ENLARGING TIME  
 FOR SERVICE**

(Dkt. nos. 15, 16)

Plaintiff filed this lawsuit on June 6, 2013. Allegedly as a result of repeated errors by the process server, defendant Las Vegas Metropolitan Police Department ("Metro") was not timely served with process. On October 30, 2013, the Court notified Plaintiff that Metro would be dismissed from the case pursuant to Federal Rules of Civil Procedure 4(m) unless proof of service was filed. Plaintiff failed to prove service, so on December 16, 2013, Metro was dismissed. Plaintiff now seeks to reopen the case and extend the time for service on Metro, primarily blaming the process server's failings. [Dkt. Nos. 15 and 16.]

Rule 60(b)(1) and (6) of the Federal Rules of Civil Procedure provides that the court may relieve a party or its legal representative from a final judgment, order, or proceeding for . . . mistake, inadvertence, surprise, or excusable neglect [or] for any other reason that justifies relief." Plaintiff's motions demonstrate that good cause exists to reopen the case as to Metro, and to extend the service period. Plaintiff's counsel could have been more diligent in monitoring and following up on the process server's efforts. However, Plaintiff should not be punished for the failings of his process server. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motions to reopen the case (Dkt. #15) and to enlarge the time for service (Dkt. #16) are hereby GRANTED. This case is reopened only as to

1 defendant Las Vegas Metropolitan Police Department. Plaintiff shall have 30 days from entry of  
2 this Order to effectuate service of process upon defendant Las Vegas Metropolitan Police  
3 Department. The failure to serve within that time period likely will result in a dismissal of this  
4 lawsuit.

5 DATED THIS 17<sup>th</sup> day of March, 2014.

6 

7  
8 

---

ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28